



**AGENDA OF THE REGULAR SESSION
CITY OF AUBURN PLANNING COMMISSION
1225 LINCOLN WAY, AUBURN, CA 95603**

**November 5, 2013
6:00 PM**

Planning Commissioners

Matt Spokely, Chairman
Roger Luebke
Fred Vitas
Nick Willick
Lisa Worthington

City Staff

Will Wong, Community Development Director

I. CALL TO ORDER

II. APPROVAL OF MINUTES

October 1, 2013
October 15, 2013

III. PUBLIC COMMENT

This is the time provided so that persons may speak to the Commission on any item not on this agenda. Please make your comments as brief as possible. The Commission cannot act on items not included on this agenda; however, the items will be automatically referred to City staff.

IV. CONTINUED PUBLIC HEARING

A. VARIANCE PERMIT – 191 PLEASANT AVENUE (BLACKMORE VARIANCE) – FILE VA 13-02. The applicant requests a Setback Variance to construct an attached carport to an existing second residential unit in the Residential, Multiple Family (R-3) District. This project was continued from the October 15, 2013, public hearing.

V. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

- A. City Council Meetings**
- B. Future Planning Commission Meetings**
- C. Reports**

VI. PLANNING COMMISSION REPORTS

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

VII. FUTURE PLANNING COMMISSION AGENDA ITEMS

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

VIII. ADJOURNMENT

Thank you for attending the meeting. The Planning Commission welcomes your interest and participation. If you want to speak on any item on the agenda, as directed by the Chairman, simply go to the lectern, give your name, address, sign in and speak on the subject. Please try to keep your remarks to a maximum of five minutes, focus on the issues before the Planning Commission and try not to repeat information already given to the Commission by a prior speaker. Always speak into the microphone, as the meeting is recorded on tape. It is the policy of the Commission not to begin consideration of a project after 10:00 PM. Such projects will be continued to the next meeting.

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Community Development Department during normal business hours.

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION MEETING
October 1, 2013**

The regular session of the Auburn City Planning Commission was called to order on October 1, 2013, at 6:00 p.m. by Chair Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Luebkehan, Willick Vitas & Spokely

COMMISSIONERS ABSENT: Worthington

STAFF PRESENT: Will Wong, Community Development Director
Lance E. Lowe, AICP, Associate Planner

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

September 17, 2013

IV. PUBLIC COMMENT

None

V. PUBLIC HEARING

A. VARIANCE PERMIT – 191 PLEASANT AVENUE (BLACKMORE VARIANCE) – FILE VA 13-02. The applicant requests a Lot Coverage and Setback Variance to construct an attached carport to an existing second residential unit in the Residential, Multiple Family (R-3) District.

At the request of staff, the Planning Commission continued the public hearing to November 5, 2013.

VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

A. City Council Meetings

None

B. Future Planning Commission Meetings

None

C. Reports

None

VII. PLANNING COMMISSION REPORTS

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

VIII. FUTURE PLANNING COMMISSION AGENDA ITEMS

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

IX. ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Lance E. Lowe

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION MEETING
October 15, 2013**

The regular session of the Auburn City Planning Commission was called to order on October 15, 2013, at 6:00 p.m. by Chair Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Luebkehan, Willick, Vitas & Spokely

COMMISSIONERS ABSENT: Worthington

STAFF PRESENT: Will Wong, Community Development Director
Lance E. Lowe, AICP, Associate Planner

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

None

IV. PUBLIC COMMENT

None

V. PUBLIC HEARING

- A. VARIANCE & TREE PERMIT – 191 PLEASANT AVENUE (BLACKMORE VARIANCE & TREE PERMIT) – FILE VA 13-02.** The applicant requests a Lot Coverage and Setback Variance and Tree Permit to construct an attached carport to an existing second residential unit in the Residential, Multiple Family (R-3) District.

At the request of staff, Chairman Spokely continued the public hearing to the November 5, 2013, Planning Commission hearing.

VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

A. City Council Meetings

None

B. Future Planning Commission Meetings

None

C. Reports

None

VII. PLANNING COMMISSION REPORTS

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

VIII. FUTURE PLANNING COMMISSION AGENDA ITEMS

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

IX. ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Lance E. Lowe



CITY OF AUBURN

Planning Commission – Staff Report

Meeting Date: November 5, 2013

Prepared by: Lance E. Lowe, AICP, Associate Planner

**ITEM NO.
IV-A**

ITEM IV-A: VARIANCE PERMIT – 191 PLEASANT AVENUE (BLAKEMORE VARIANCE) – FILE VA 13-02.

REQUEST: The applicant requests a Setback Variance to construct an attached ± 240 square foot carport to an existing ± 360 square foot second residential unit in the Residential, Multiple Family (R-3) District.

RECOMMENDED MOTION:

That the Planning Commission take the following action:

- A. Adopt Resolution No. 13-17 (**Exhibit A**) for approval of a Setback Variance as presented, or as amended by the Planning Commission, which includes the following actions:
1. Adoption of a Categorical Exemption, prepared for the Variance as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
 2. Adoption of Findings of Fact for approval of a Variance as presented in the Staff Report; and,
 3. Approval of a Variance in accordance with the Conditions of Approval as presented in the Staff Report.

ALTERNATIVE MOTION (DENIAL):

- B. Direct staff to amend Resolution No. 13-17 for denial of the Variance, based upon substantial evidence presented at the public hearing, and provide it for Planning Commission consideration at the next available meeting.

PROJECT INFORMATION:

Applicant: Blakemore Construction; P.O. Box 2252; Granite Bay, CA 95746; (916) 784-7222

Location: 191 Pleasant Avenue (**Attachments 1 & 2**)

Assessor's Parcel Number: 004-132-002

Lot Size: $\pm 7,861$ sq. ft. ($\pm .18$ acres)

Project Site:

Zoning: Residential, Multiple Family (R-3)
Existing Land Use: Single Family Dwelling & Second Residential Unit

Surrounding Land Uses:

North: Single Family Residential South: Gold Country Fairgrounds
East: Multiple Family Residential West: Multiple Family Residential

Surrounding Zone Districts:

North: R-3 South: OSC
East: R-3 West: R-3

BACKGROUND:

The 191 Pleasant Avenue property is identified in the Historic Resource Survey conducted in 1986 as eligible for listing under a local preservation or landmark ordinance (**Attachment 3**). The applicant obtained a building permit in August 2013 to construct a front porch and ±500 square foot addition to the main residence.

The property also contains a ±360 square foot second unit in the rear of the property. According to building department records, the second unit was constructed in 1935. As part of the construction project for the main house, the applicant is seeking to add a new roof onto the second unit that includes a carport. The carport is legally non-conforming with respect to setbacks in the Residential, Multiple Family (R-3) District (**Attachment 4**).

PROJECT DESCRIPTION:

The applicant is requesting a Setback Variance to construct a new roof line, which includes an attached carport onto an existing second residential unit in the Residential, Multiple Family (R-3) District. The rear setback standard in the Residential, Multiple Family (R-3) District is 10 feet. The setback variance would allow the roofed carport to be attached to an existing legally non-conforming (with respect to setback) second residential unit that is located five feet from the rear property line in-lieu of a 10 foot setback. According to the City's legally non-conforming provisions noted below, Section 159.244 allows legally non-conforming buildings to be enlarged or reconstructed provided the additions or improvements conform to all the regulations (i.e. height, setback, lot coverage, etc.) in the zone.

§159.244 The enlargement, extension, reconstruction or structural alteration of a building, non-conforming only as to height and yard regulations, may be permitted if the additions or improvements conform to all the regulations of the district in which the building is located.

One 12"-14" Live Oak tree is located property. The tree is a protected tree and minor construction (i.e. foundation piers and flat work) will occur within the critical root zone of the protected tree. The project is also associated with a discretionary (variance) permit, thus requiring a tree permit pursuant to Section 161.04 (B)(1):

161.04(B)(1) A tree permit is required for any regulated activity within the critical root zone of a protected tree where the encroachment exceeds 20% of the critical root zone, or where the regulated activity is related to a discretionary permit.

However, based upon correspondence received from the arborist of record, the tree is in poor to fair condition, but has two major defects; root loss and bark girdling, which could cause the tree to fail. As a result, the arborist has concluded that the tree may be hazardous (**Attachment 5**).

Considering the quality of the tree, the project is exempt from a tree permit pursuant to Section 161.04 (C)(6):

161.04 (C)(6): Removal, pruning or encroachment of a protected tree certified by an arborist or registered professional forester to be in poor health or determined by the Director too be a risk or hazard.

The applicant's variance request and neighborhood petition are attached herewith as **Attachments 6 & 7**.

ANALYSIS:

With the exception of the variance request described above, the project is a consistent use and meets the standards within the Medium Density, Multiple Family (R-3) Zone. The three hundred and sixty (360) square foot second unit exists at the rear of the property, which fronts on, and is accessed by, an approximate 16 foot paved public alley. The 16 foot paved alley is within a 20 foot public right-of-way. The second unit is legally non-conforming with respect to setbacks as it is five (5) feet from the property line in-lieu of the ten (10) feet required.

The carport will be an extension of the proposed new roof line for the renovated second unit thereby continuing the same setback as presently exists. Approval of the variance would allow construction of a carport at the same setback as the second unit. The attached carport will provide a cover for the existing unpaved parking space that currently serves the second residential unit (**Exhibit B**).

The existing backing distance from the carport to the rear of the paved public alley is approximately ± 21 feet. Although the backing distance does not meet the current standard of 23 feet, the situation exists notwithstanding the setback variance request. A dirt/grass area exists followed by a good neighbor fence which is located approximately twenty-four feet nine inches ($\pm 24'9''$) from the carport. Considering the existing parking situation, staff believes the backing distance is acceptable.

As shown on the proposed plans, the second unit is fifteen feet three inches (15'3") in height. Condition of Approval No. 3 requires the second unit height to not exceed fifteen (15') in height measured from the highest adjacent grade.

Condition of Approval No. 4 requires that the existing parking space be graded and paved prior to or concurrently with final inspection.

FINDINGS:

Due to the historic character of the property and area coupled with the existing site improvements, it is staff's opinion that findings for approval of the Variance can be made in the affirmative. In order for the Planning Commission to approve a Variance request, the Commission is required to make two findings of fact as follows:

1. *The granting of the variance will not be inconsistent with the limitations upon other properties in the vicinity and district in which the property is situated.*

The existing ±360 square foot second unit contains an uncovered, unpaved area for parking. Granting of the variance would allow renovation of the second unit with a new roof line that extends the roof canopy into a carport. The parking area under the carport will be graded and paved to meet current City of Auburn standards. Thus, the granting of the variance would allow improvement of the property thereby improving an existing legally non-conforming situation. Improving an existing legally non-conforming situation with renovation of the existing second unit and providing paved covered parking is consistent with the neighborhood.

2. *That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity in the same district.*

The strict application of the City's lot coverage and setbacks standards would preclude the property owner from renovating the existing residential second unit that is in need of repair. The applicant has proposed an architectural design that is consistent with the architectural design of the main dwelling that is currently under renovation. Approval of the variance would allow the legally non-conforming second unit to be renovated with an architectural design that is architecturally compatible with the main house while concurrently providing covered and paved parking for the second unit. Staff is recommending approval of the variance considering that renovation of the existing legally-non-conforming second unit is needed and it improves an existing situation by adding covered and paved parking.

ENVIRONMENTAL DETERMINATION:

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Categorically Exempt per Section 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

ATTACHMENTS:

- Attachment 1** – Vicinity Map
- Attachment 2** – Aerial Photograph
- Attachment 3** – Historical Resources Survey dated 1986
- Attachment 4** – Site Photographs
- Attachment 5** – Arborist Report dated October 19, 2013
- Attachment 6** – Applicant's Correspondence
- Attachment 7** – Neighbor Petition

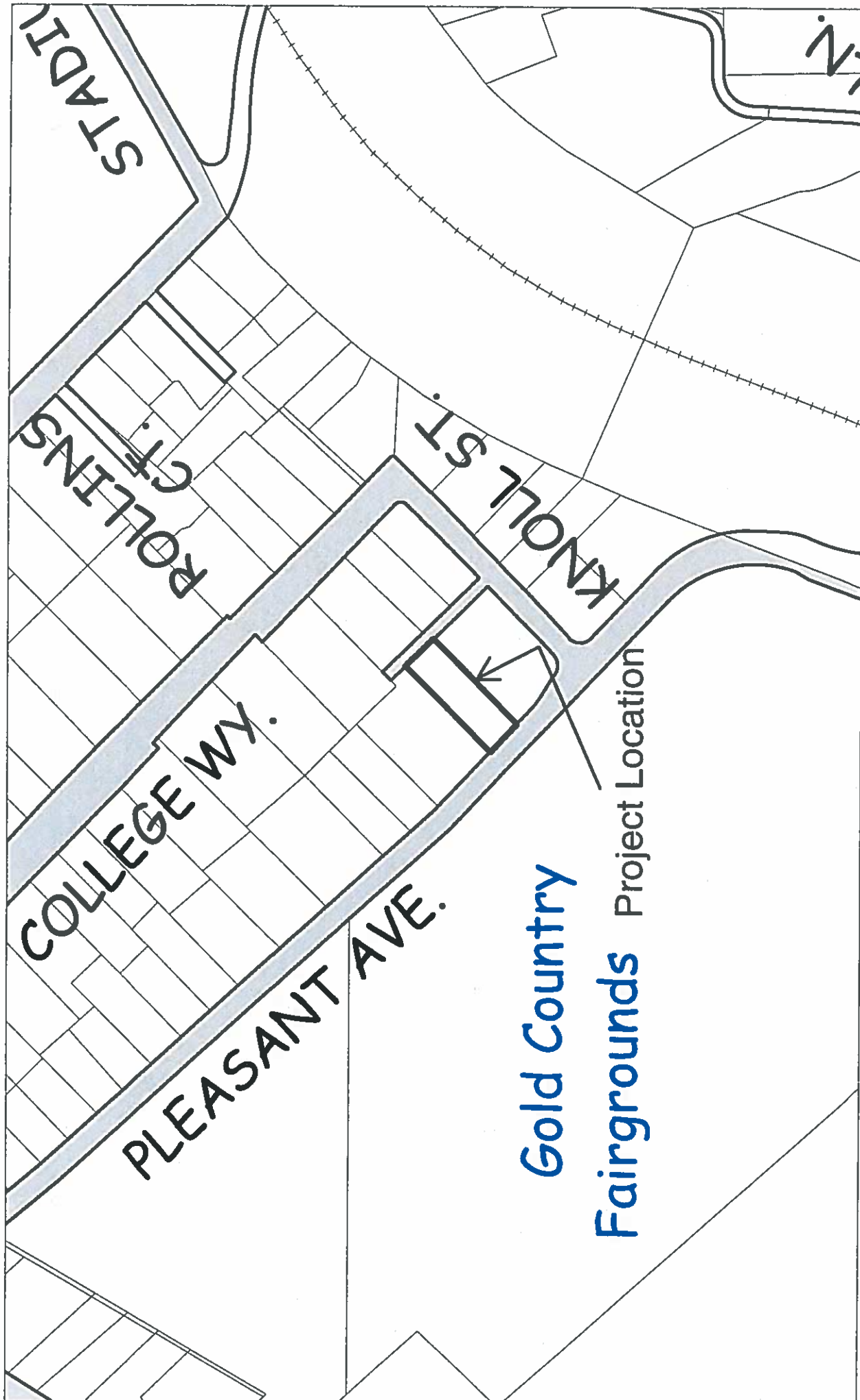
EXHIBITS:

- Exhibit A** – Planning Commission Resolution 13-17 with Findings and Conditions of Approval
- Exhibit B** – Project Plans prepared by Keith A. Brown



ATTACHMENTS

191 Pleasant Avenue



ATTACHMENT 1

191 Pleasant Avenue



ATTACHMENT 2

HISTORIC RESOURCES INVENTORY

Ser. No. _____
HABS _____ HAER _____ NR 5 SHL _____ Loc _____
UTM: A 10/667330/4306470 **ATTACHMENT 3**
C _____ D _____

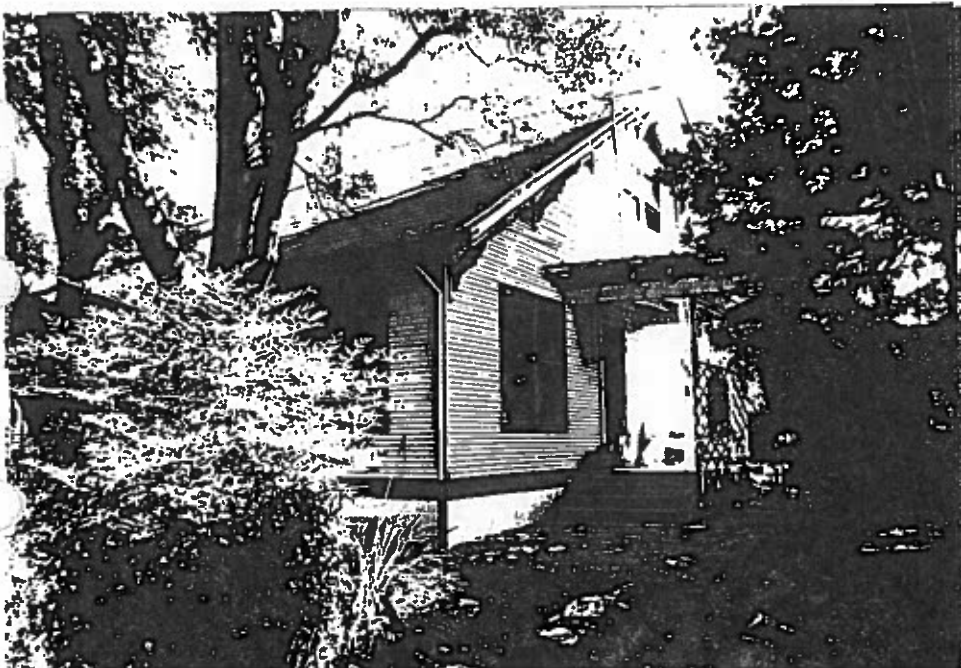
IDENTIFICATION

1. Common name: _____
2. Historic name: _____
3. Street or rural address: 191 Pleasant Avenue
City Auburn Zip 95603 County Placer
4. Parcel number: 004-132-002
5. Present Owner: Gladys M. Williams Address: 191 Pleasant Street
City Auburn Zip 95603 Ownership is: Public _____ Private X
6. Present Use: Residence Original use: _____

DESCRIPTION

- 7a. Architectural style: Bungalow with Craftsman Influence
- 7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

Steep gable composition roof with exposed rafters tops this one story rectangular bungalow. Seven turned brackets extend out from each of the two gable ends. The gable ends above the brackets have sawn undecorated barge board. Plain moulding surrounds double windows. Beams on a flat roof of a small porch are turned in the same design as the gable brackets.



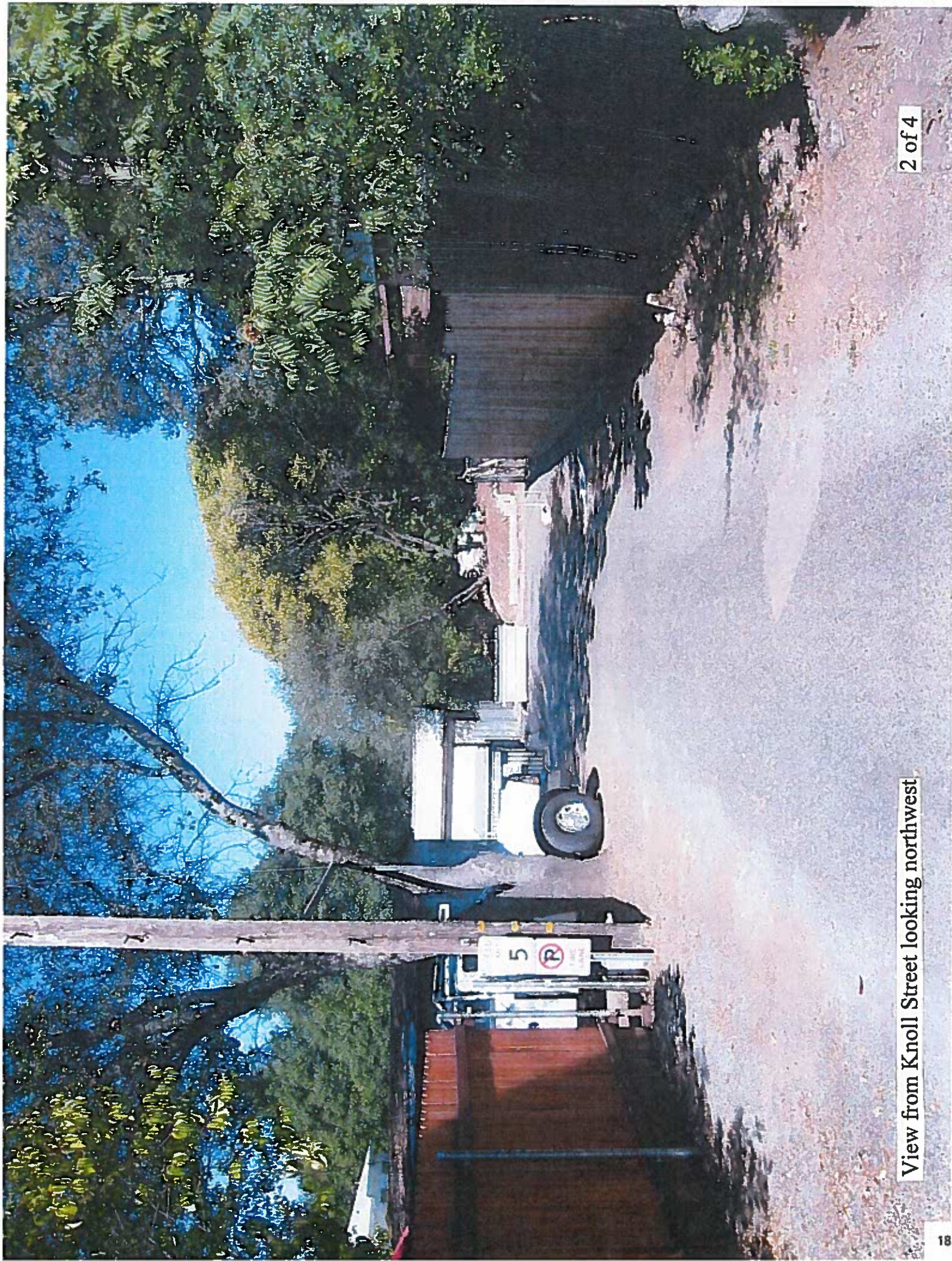
8. Construction date:
Estimated 1920 Factual _____
9. Architect _____
10. Builder _____
11. Approx. property size (in feet)
Frontage _____ Depth _____
or approx. acreage _____
12. Date(s) of enclosed photograph(s)
June 1986



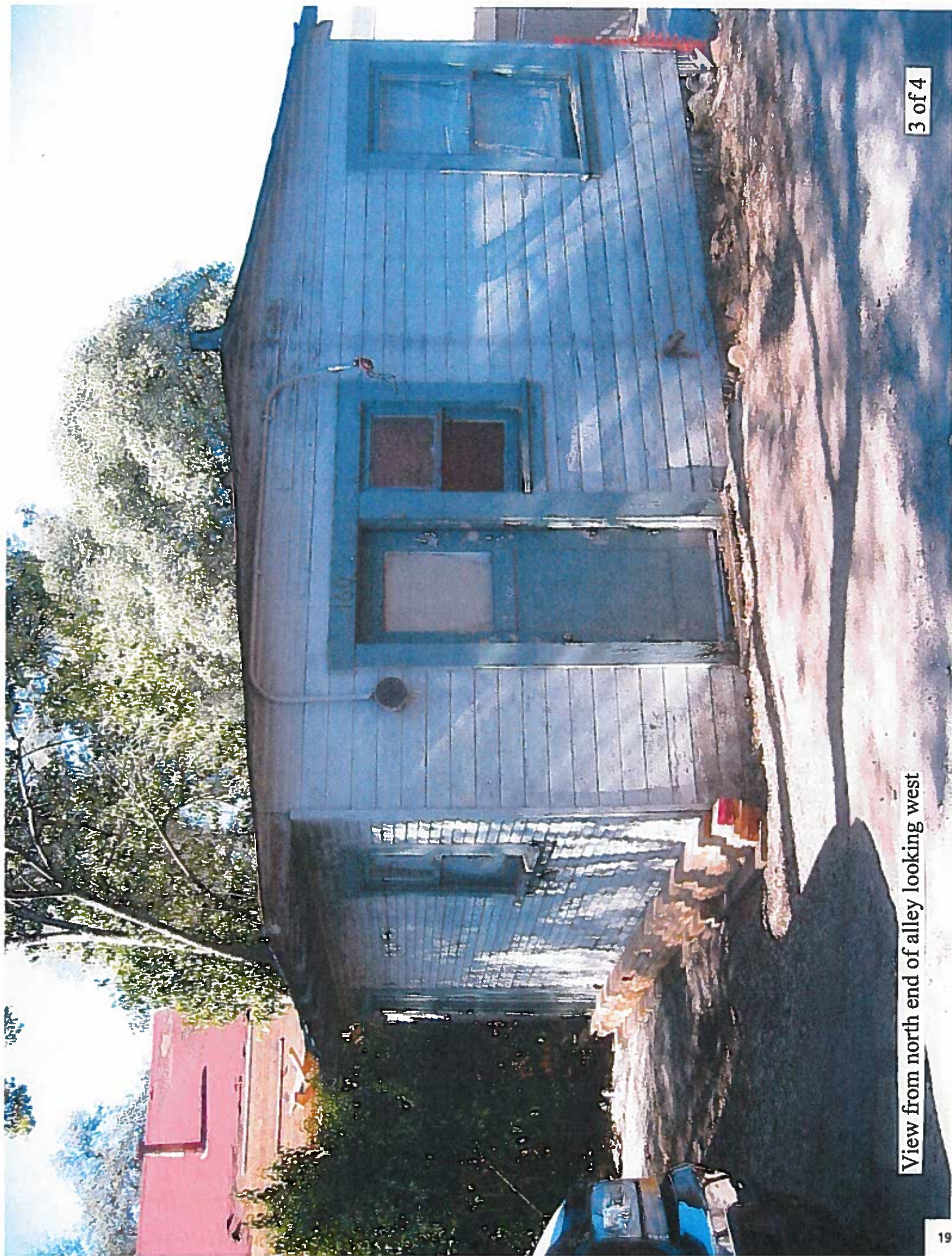
ATTACHMENT 4

I of 4

View from alley looking at Knoll Street

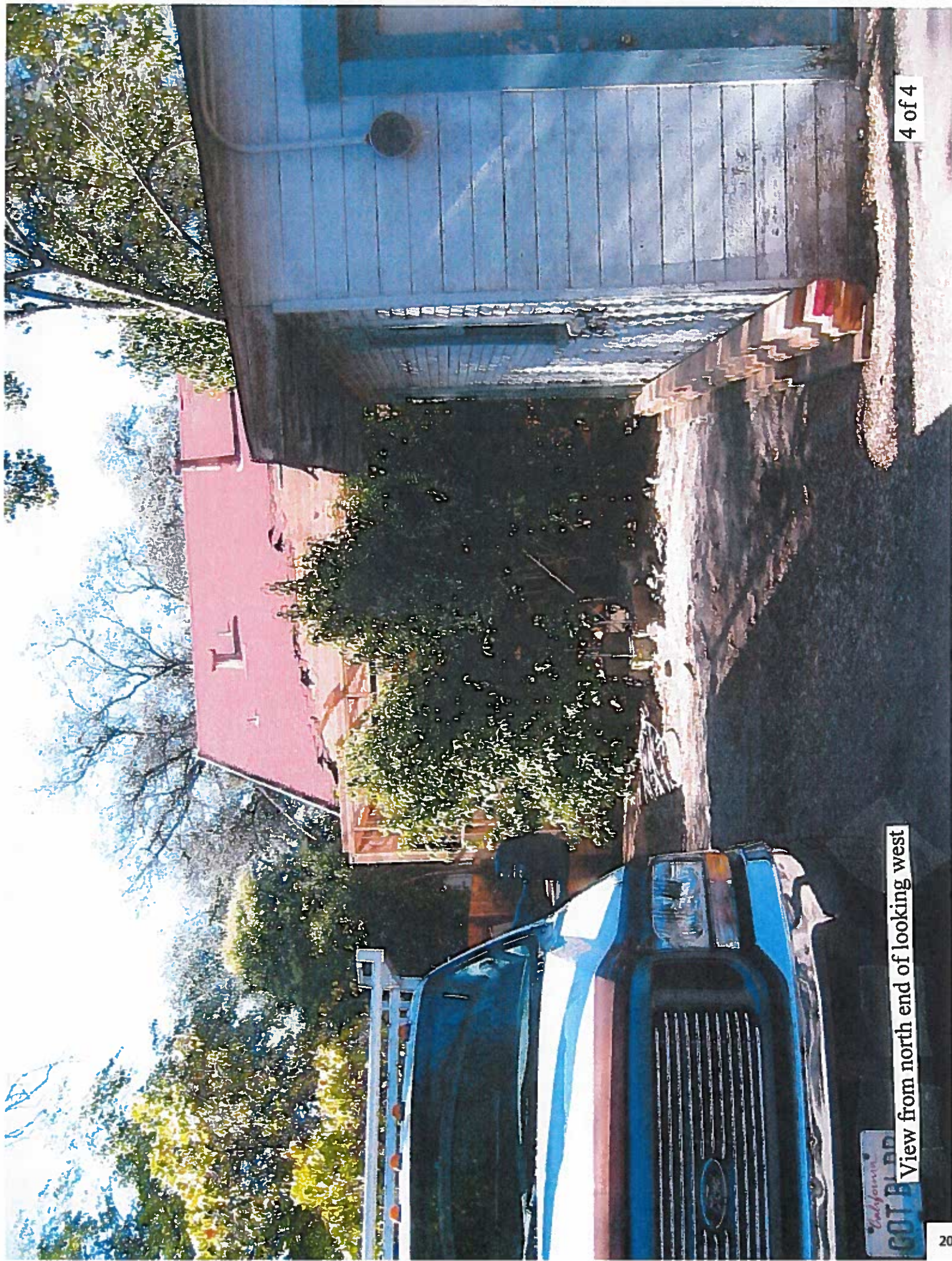


View from Knoll Street looking northwest



View from north end of alley looking west

3 of 4



View from north end of looking west

Kurt Stegen Consulting Arborist

Phone 916-652-3840 Fax 916-652-3510 Email: arborist@direcway.com

Certified Arborist #WE6356A; State Lic. # 494115

ATTACHMENT 5

Date: October 19, 2013

Addr: 191 Pleasant Avenue Auburn, CA 96603

Customer Name: Keith Brown

Name of Tree: Live Oak

Species: Quercus wislizenii

Trunk Diameter: 12"- 14"

Height (approx.): 40'

Canopy Spread (approx.): 44'

Recommendations/Comments

The oak tree is located in the rear of the property near the alley on a residential property. There is an exposed root with decay. There is included bark in the trunk. It has a cable embedded in the trunk that is supporting a utility pole. A large portion of the root system is in close proximity to a paved road.

I was asked to evaluate a oak tree in the rear of the property at 191 Pleasant Avenue, Auburn California. The tree is in poor to fair condition and in decline. An exposed root near the trunk has begun to decay and has formed a cavity in the root. The root system is the support system for the tree. Loss of roots can create a stability issue. Loss of roots can also cause the tree health to decline and eventually die. There is included bark in the main trunk. Included bark can create weak unions in the wood and can be a point where failure can occur. There is a cable from a utility pole that appears to wind itself in the trunk of the tree. This can create weak unions in the wood very similar to included bark. It can also be detrimental to the vascular system of the tree sometimes causing girdling or choking off the flow of moisture and nutrients. The root system has been compromised by soil compaction from vehicles and also has a portion of the root system paved over by a road. Growing conditions for the tree are not favorable. Poor growing conditions can lead to stress and eventually death of the tree. This tree already shown signs of decline.

The tree is in poor to fair condition. It has two major defects, root loss and included bark/girdling. Both of these conditions could cause the tree to fail. It also has a cable embedded in the trunk that is attached to a utility pole. I would consider this tree to be a hazardous and involve some risk to people and property.

Physical Condition

- ☒ Dead Branches
☒ Leaning
☒ Weak Main Crotch(es)
☐ Tip Decline
☐ Cavity in Trunk
☐ Wound on Trunk
☐ Broken Limb(s)
☐ Mainstem Dieback
☐ Thin Foliage
☐ Drought Stressed
☒ Diseased
☐ Cavity/Wound in Branches
☐ Fire Damage
☐ Insect Damage
☐ Soil Buildup at Base
☐ Regrowth from Stump
☐ Exposed Structural Roots
☒ Dead Buttress Roots
☐ Cabled or Braced

Treatment

- ☐ Treat for Insects/Disease
☐ Remove Soil Buildup
☐ Remove Dead Branches
☐ Remove Tree(s)
☐ Cable or Brace
☐ Apply Nutrients/Mulch

Rating

Balance (Trunk-Canopy)

Fair ▼

Aesthetics/Form

Poor ▼

Canopy Appearance

Fair ▼

Overall Condition

Poor ▼

☐ Remove☒ Impacted☐ Transplant Onsite☐ Not Transplantable

RISK: SOME RISK ▼

Kurt Stegen Consulting Arborist

Phone 916-652-3840 Fax 916-652-3510 Email: arborist@direcway.com
Certified Arborist #WE6356A; State Lic. # 494115





ATTACHMENT 6

General Building Contractors

P.O. Box 2252 •

Granite Bay, CA 95746 •

Tel./Fax: (916) 784-7222 •

Lic. 629684

www.blakemoreconst.com

September 10, 2013

City of Auburn
1225 Lincoln Way
Auburn, CA 95603

RE: Variance request for 191 Pleasant Avenue, Auburn, CA

To whom it may concern:

I am writing this letter in support of my application for a variance for the property at 191 Pleasant Avenue.

My partner and I purchased this property with the intent to improve it and re-sell it. Currently the "cottage" on the property has no garage and no other designated parking areas. Actually there is no covered parking anywhere on the property. Our design would provide that and enhance the aesthetic appeal of the property.

The homes that surround our property have either garages or covered parking. The plan we are submitting for approval is extraordinary within the context of the neighborhood.

Thank you for your consideration,

Brad Blakemore
Blakemore Construction Co.

ATTACHMENT 7

REQUEST FOR VARIANCE 191 Pleasant Avenue

We have reviewed Brad Blakemore's request for a variance and support their request to construct an attached carport to the existing dwelling that will exceed the rear yard lot coverage and have a rear yard setback of 5 feet in lieu of a 10 foot setback.

Conf Mark Fisher
Name & Address

174 Pleasant Ave
Auburn, CA 95603

Sam Burrell
Name & Address

172 Knoll St
Auburn CA 95603

Lucille Hansen
Name & Address

171 Knoll St

Elaine Ashton
Name & Address

185 Knoll St

Walter J. Clark
Name & Address

163 Knoll St

Karl Coats
Name & Address

189 College Way

Delia T. Salcedo
Name & Address

188 College Way
Auburn, CA 95603

Jane Smith
Name & Address

103 Knoll St
Auburn, CA 95603

Dorothy Anderson
Name & Address

199 College Way
Auburn CA 95603

MANUEL POBRE
Name & Address

188 COLLEGE WAY
Tamera Man
183 College Way
Auburn Ca. 95603

Brian May
Name & Address

Laura Parsons
183 College Way
Auburn CA 95603

Deven Richards
Name & Address

Deven Richards

EXHIBITS



EXHIBIT A

PLANNING COMMISSION RESOLUTION NO. 13-17

BLAKEMORE SECOND UNIT VARIANCE (FILE: VA 13-02)

Section 1. The City of Auburn Planning Commission held a public hearing at its regular meeting of November 5, 2013, to consider a Setback Variance to construct an attached carport to an existing second residential unit in the Residential, Multiple Family (R-3) District at 191 Pleasant Avenue.

Section 2. The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the November 5, 2013, Planning Commission meeting.
2. Site plan and project plans submitted by the applicant.
3. Staff presentation at the public hearing held on November 5, 2013.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

Section 3. In view of all of the foregoing information, the City of Auburn Planning Commission finds the following for the reasons stated in the staff report presented to the Commission on November 5, 2013:

1. The Planning Commission, on the basis of the whole record before it (including the Environmental Determination and any comments received), finds that there is no substantial evidence that the project will have a significant effect on the environment and had determined that a Categorical Exemption is the appropriate level of environmental review in accordance with CEQA and the CEQA Guidelines. The Categorical Exemption reflects the lead agency's independent judgment and analysis.
2. All documents and materials relating to the proceedings for the Blakemore Setback Variance are maintained in the City of Auburn Community Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.
3. The granting of the variance will not be inconsistent with the limitations upon other properties in the vicinity and district in which the property is situated.
4. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity in the same district.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission finds that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby approves the Variance for a Rear Yard Setback Variance located at 191 Pleasant Avenue, subject to the following conditions:

A. VARIANCE PERMIT (FILE # VAR 13-02):

1. The project is approved subject to **Exhibit B** on file in the Community Development Department. Minor modifications may be approved subject to review and approval by the Community Development Director.
2. The variance shall be valid for a period of one (1) year and shall become null and void on **November 5, 2014** unless an extension is requested and granted from the Planning Commission.
3. The garage shall not exceed fifteen (15') in height measured from the highest adjacent grade.
4. The parking space for the carport shall be paved to the satisfaction of the Community Development Department prior to final inspection.
5. The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorneys fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this use permit, or the activities conducted pursuant to this use permit. Accordingly, to the fullest extent permitted by law, the applicant shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this use permit, or the activities conducted pursuant to this use permit. Applicant shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

B. BUILDING DEPARTMENT:

1. The applicant shall submit plans for approval in accordance with the Building, Electrical, Mechanical and Plumbing Codes.

2. All construction activities shall be limited to the hours allowed by Title 9, Chapter 93 of the Auburn Municipal Code.
 - a. The performance of any construction, alteration or repair activities which require the issuance of any building, grading, or other permit shall occur only during the following hours:
 - i. Monday through Friday: 7:00 a.m. to 6:00 p.m. for the period of June 1 through September 30 of each year, the permissible hours for masonry and roofing work shall be from 6:00 a.m. to 6:00 p.m.;
 - ii. Saturdays: 9:00 a.m. to 5:00 p.m.;
 - iii. Sundays and observed holidays: 10:00 a.m. to 6:00 p.m.
 - b. Any noise from the above activities, including from any equipment, shall not produce noise levels in excess of the following:
 - i. Saturdays: 80 dba when measured at a distance of twenty-five (25') feet;
 - ii. Sundays and observed holidays: 70 dba when measured at a distance of twenty-five (25') feet.
 - c. The Building Official may grant a permit for building activities during other time periods for emergency work or extreme hardship. "Emergency work" shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger. Any permit issued by the Building Official shall be of specified limited duration and shall be subject to any conditions necessary to limit or minimize the effect of any noise.

C. PUBLIC WORKS DEPARTMENT:

1. The applicant shall verify the location of the sewer lateral to ensure that the proposed structure does not impact the sewer line and to ensure that damage does not occur during the course of construction. The verification of the sewer lateral location shall be to the satisfaction of the Public Works Director.
2. Prior to any work within the City right-of-way, an Encroachment permit shall be obtained from the City of Auburn Public Works Department.

D. FIRE DEPARTMENT:

1. Plans shall be submitted to the fire department for approval prior to any work on the project.
2. All applicable fire department fees and permits are to be paid in full as a condition of approval.

Section 6. In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner _____ and seconded by Commissioner _____ hereby finds the project exempt from CEQA and approves the Blakemore Variance subject to the conditions listed above and carried by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED AND ADOPTED this 5th day of November, 2013.

Chair, Planning Commission
of the City of Auburn, California

ATTEST: _____
Community Development Department